

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-6714**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT W. PETTY,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CR-97-107-DKC)

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Submitted: July 29, 2004

Decided: August 5, 2004

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Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Robert W. Petty, Appellant Pro Se. Hollis Raphael Weisman, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Robert W. Petty seeks to appeal from the district court's order denying a number of his pending motions. The district court also noted that Petty's Fed. R. Civ. P. 60(b) motion contains both true Rule 60(b) claims and claims for which authorization from this court would be necessary prior to consideration of the claims by the district court. See 28 U.S.C. § 2244 (2000); United States v. Winestock, 340 F.3d 200, 206 (4th Cir. 2003). The district court then directed Petty to file a response electing how to proceed within thirty days of the order or face dismissal of his Rule 60(b) motion. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Petty seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we deny a certificate of appealability, deny Petty's motion for leave to proceed in forma pauperis, and dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED